



California Regional Water Quality Control Board

Los Angeles Region



Alan C. Lloyd, Ph.D.
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Meeting Minutes

Los Angeles Regional Water Quality Control Board
September 1, 2005 Regular Board Meeting
City of Agoura Hills, Council Chambers
30001 Ladyface Court, Agoura Hills, CA

Item 1. Roll Call

The meeting was called to order by Chair Susan Cloke at 9:12 a.m.

Board Members Present: Susan Cloke (Chair), Tim Shaheen (Vice Chair), Julie Buckner-Levy, Fran Diamond, Bonny Herman, Mary Ann Lutz, H. David Nahai and Leo Vander Lans

Board Members Absent: Brad Mindlin

Staff Present: Jonathan Bishop, David Bacharowski, Deborah Smith, Ronji Harris, Michael Lauffer, Stephen Cain, Melinda Becker, Blythe Ponek-Bacharowski, Robert Sams, Paula Rasmussen, Hugh Marley, Russ Colby, Veronica Cuevas-Alpuche, Michael Lyons

Individuals Whose Names Appear on the Sign-In Sheet

Dr. Mark Gold, Heal the Bay	Ms. Carrie Inciong, L.A. County DPW
Mr. Bob Stockdale, Equilon dba Shell Opus	Ms. Adeline Young, Water Replenishment District
Mr. Carlos G. Reyes, Las Virgenes MWD	Mr. Andrew Gray, KOMEX (ExxonMobil)
Mr. Charles Caspary, Las Virgenes MWD	Ms. Diane Walker, Representing herself
Mr. Cory Roberts, City of La Puente	Mr. Kurt Scuza, CA Department of Health Services
Mr. Curtis Hopkins, Hopkins Groundwater Consultants	Mr. Gene Talmadge Mr. Mark Dixon, Representing himself
Mr. Damon Wing, Rep. Supervisor Linda Parks	Mr. Manju Ventkatanaryana, Foothill Associates
Mr. Dean Morales, City of Thousand Oaks	Mr. Will Stokes, Representing himself
Mr. Doug Eberhardt, USEPA	Mr. Eric Haupt, Representing himself
Mr. Gary Yamamoto, CA Department of Health Services	Ms. Jan Smith, Thousand Oaks/West Lake Village Chamber of Commerce
Mr. James Jimenez, Metropolitan Transit Authority	Ms. Jacqy Gamble, Las Virgenes MWD
Mr. Jim Acosta, Representing himself	Mr. Dennis Gillette, Representing himself
Mr. Joseph Melenions, Malibu Surfing Association	Mr. Dick Crowley, Representing himself
Mr. Mark Zirbel, Representing himself	Mr. Jess Thomas, Representing himself
Mr. Martin Weisman, Representing himself	Mr. Steve Harris, Representing himself
Mr. Robert Michrisen, Representing self	Dr. Randal Orton, Las Virgenes MWD
Mr. Sam Greene, Representing himself	Mr. Richard Watters, Representing self

California Environmental Protection Agency



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Mr. William Haugh, Representing himself	Ms. Melissa Reinhardt, Reinhardt and Reinhardt
Ms. Deborah Low, Las Virgenes MWD	Ms. Carol Palma, Las Virgenes MWD
Ms. Joy Watters, Representing herself	Mr. Hoover Ng, Water Replenishment District
Ms. Lucia, McGovern, Camarillo Sanitary District	Mr. Ron Schafer, California State Parks
Ms. Mary Hubbard, Representing herself	Mr. John Low, Representing himself
Ms. Mary Sue Maurer, Representing herself	Ms. Nancy Helsey, Resource Conservation District
Ms. Melinda Watts	Mr. Gordon Whitehead, President of Board, Las Virgenes MWD
Mr. John Correa, Ojai Valley Sanitary District	
Ms. Muriel Kotin, Representing herself	Mr. Grant Gerson, Representing himself
Ms. Phyllis Southard, Las Virgenes MWD	Mr. David Lippman, Las Virgenes MWD
Ms. Roslyn Mac, Representing herself	Mr. Alan Armstrong, Representing himself
Ms. Sharyl Lewandi, Representing herself	Ms. Elyse Ditzel, Ventura County Public Works
Ms. Stephanie Bertholda, Representing herself	Ms. Roberta Larson, Representing herself
Ms. Suzanne Freyer, Pepperdine University	Mr. Victor Laury, Metropolitan Transit Authority
Ms. Tammy Jones, Weston Benshoof et al	Mr. Uzi Daniel, West & Central Basin MWD
Ms. Vicki Conway, L.A. County Sanitation District	Ms. Sharon Green, L.A. County Sanitation District

Item 2. Order of Agenda.

The Executive Officer, Jonathan Bishop, recommended that Agenda Items 13, 14 and 15 be considered in reverse order.

MOTION: To approve order of agenda, with Agenda Items 13, 14 and 15 being considered in reverse order

First: Board Member Fran Diamond

Second: Vice Chair Tim Shaheen

Vote: Approved unanimously by vote

Item 3. Approval of May, June, and July 2005 draft Meeting Minutes.

MOTION: To approve Draft meeting Minutes for May, June and July 2005.

(Board Member Bonnie Herman abstained from voting on the May 2005 draft Minutes due to her absence at this meeting.)

(Board Member Leo Vander Lans abstained from voting on the May and June 2005 draft Minutes due to his absence at both meetings).

First: Vice Chair Tim Shaheen

Second: Board Member Fran Diamond

Vote: Approved unanimously by vote



Item 4. Board Member Communications.

Board Member Fran Diamond attended a City of Los Angeles Task Force Meeting to discuss strategies to reduce plastic and Styrofoam in the municipal waste stream.

Item 5. Executive Officers Report

Report given by Jonathan Bishop, Executive Officer, and posted on the Board's website:
www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html.

Item 6. Public Forum.

There were no speakers for public forum.

Item 7. Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Items 8 through 11, 12.1, 12.b, and 12.c

First: Board Member Fran Diamond

Second: Vice Chair Tim Shaheen

Vote: Approved by unanimous vote

Item 15. Panel Hearing Recommendation on Complaint No. R4-2004-0035 in the amount of \$264,000 against the City of Fillmore.

Staff Report:

Ms. Paula Rasmussen, Chief of Enforcement and Stormwater Permitting Section.

Public Comment:

(Public comment on this item was closed June 20, 2005. This matter was heard before a three member panel on February 23, 2005. In today's proceedings, this matter is before the full Board for a recommendation and disposition by the Panel.)

MOTION: To approve the Panel's recommendation for penalties in the amount of \$264,000.

First: Board Member Leo Vander Lans

Second: Vice Chair Tim Shaheen

Vote: Approved by unanimous vote

Item 13. Water Replenishment District of Southern California, Long Beach Water Department, and Los Angeles County Department of Public Works (Alamitos Barrier Recycled Water Project).

Board Member Leo Vander Lans recused himself for the hearing on this matter.



Public Hearing Opened and Oath Administered.

Staff Report:

Ms. Blythe Ponek-Bacharowski, Acting Chief Watershed Regulatory Section

Public Comment:

Mr. Hoover Ng, Water Replenishment District of Southern California

Ms. Vicki Conway, Los Angeles County Sanitation Districts

Ms. Roberta Larson, Attorney Representing Water Reuse Association

Mr. Uzi Daniel, West Basin Municipal Water District

Mr. Gary Yamamoto, California Department of Health Services

Board Discussion Topics:

- What affects will the blending of water have on water quality?
- Clarification of the State Board's Antidegradation Policy with respect to ground water recharge projects
- What are the pros and cons if this permit was changed to Supplemental Environmental Projects (SEPs) then reopened once regulations are set?
- Are we being over regulatory?
- What happens if we start depleting the aquifer at a higher rate and the barrier is not longer effective?

MOTION:

There was a motion to accept the staff recommendation with language modifications made by Staff Counsel Michael Lauffer for the notification procedures and the replacement water.

First: Board Member H. David Nahai

Second: Board Member Fran Diamond

Vote: Approved by unanimous vote (*Board Member Vander Lans recused himself on this matter.*)

Lunch Break taken at 12:00 p.m.

Item 16. Closed Session

Meeting reconvened at 1:35 p.m.

Item 14: Consideration of proposed Waste Discharge Requirements, Time Schedule Order and Rescission Order for Las Virgenes Municipal Water District (Tapia Water Reclamation Facility).

Public Hearing Opened and Oath Administered.

Staff Report:

Ms. Blythe Ponek-Bacharowski, Acting Chief Watershed Regulatory Section, assisted by Jonathan Bishop, Executive Officer.



Public Comment:

Mr. Doug Eberhardt,, U.S. Environmental Protection Agency
Mr. John Mundy, Las Virgenes Municipal Water District
Dr. Randal Orton, Las Virgenes Municipal Water District
Mr. David Lippman, Las Virgenes Municipal Water District

Board Discussion Topics

- Staff clarification of accomplishments since the permit was issued seven years ago.
- Why the Time Schedule Order limits are higher now for this permit than they were in the previous TSO; and what are the justifications for this, both legally and scientifically?
- Why has the definition of a storm event changed from .4 to .1 and was there public notice?
- On average, how much water is Las Virgenes allowed to divert to the Los Angeles River?
- How will rate payers be affected if rates increase?
- Is this permit more stringent than the last permit?
- Status of our implementation of our TMDL?
- What is the status with the Los Angeles River problem?
- The dynamics of the Los Angeles River, pros and cons?
- Would like to have a clearer understanding of the pie charts.
- The permit needs to better explain the EPA TMDL.
- Clarification of denitrification in the Tapia permit
- Whether the reclaimed water is nutrient rich and exacerbates the problem
- Bring back a comprehensive report of cost figures
- Clarification on the claim that Malibu Creek nutrient levels lowered when Tapia was discharging
- What problems would occur if we were to move the water from Malibu Creek over to Los Angeles Creek?
- Clarification that Tapia has met their nutrient limits? What limits have not been met in the permit?
- What different standards are Tapia required to meet discharging in L.A. River than in Malibu Creek?

MOTION: To continue this hearing to the October 6, 2005 Board meeting or future Board meeting with responses to the issues raised by the Board members.

First: Chair Susan Cloke

Second: Vice Chair Tim Shaheen

Vote: Approved by unanimous vote

Item 17. Adjournment

Meeting was adjourned at 5:13 p.m. *(The Chair adjourned the meeting in memory of those who were who harmed by Hurricane Katrina.)*

Minutes adopted at the October 6, 2005 meeting. Written and submitted by:_____

